

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

/

**ORDER DENYING MOTION BY HAPPY WOODBERRY, ET AL, TO SET ASIDE
ORDER SUSTAINING DEBTOR'S SIXTY-FIFTH OMNIBUS OBJECTION TO
CERTAIN CLAIMS**

This case is before the Court on the motion filed on May 16, 2019 jointly by the following *pro se* claimants:

Happy Woodberry
LaJeff Woodberry
Cavel Woodberry
Lavan Woodberry
Penny Mabin
Cranston Woodberry
Garfield Woodberry
Adam Woodberry
and
Phebe Woodberry

(These claimants are referred to collectively in this Order below as the "Woodberry Claimants").

The motion is entitled "Motion to Set Aside Order Sustaining Debtor's Sixty-Fifth Omnibus Objection to Certain Claims" (Docket # 13059, the "Motion"). The Court construes the Motion as a motion for reconsideration of, and for relief from, the Court's May 9, 2019 order entitled "Order Sustaining Debtor's Sixty-Fifth Omnibus Objection to Certain Claims" (Docket # 13055, the "May 9 Order").

The Court will deny the Motion, for the following reasons.

First, the Court finds that the Motion fails to demonstrate a palpable defect by which the

Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

Second, the Court finds that the allegations in the Motion do not establish excusable neglect under Fed. R. Civ. P. 60(b)(1), Fed. R. Bankr. P. 9024, or any other valid ground for relief from the May 9 Order.

Third, the Motion is incorrect in alleging (in ¶ 3) that this Court's May 23, 2018 order "is currently being appealed." The appeal referred to was filed only by Edith Woodberry. None of the Woodberry Claimants (the current movants) filed any appeal. Moreover, the appeal by Edith Woodberry concluded on December 4, 2018. The United States District Court affirmed this Court's May 23, 2018 order, and certain other orders, on December 4, 2018, and closed that appeal. Edith Woodberry's appeal is concluded. (A copy of the District Court's December 4, 2018 order is on file in this case, at Docket # 12954).

Fourth, the Motion alleges no reason, let alone a valid excuse, for the failure by any of the Woodberry Claimants to file a timely response to the City's Sixty-Fifth Objection to Claims (Docket # 13035). A written response to that claim objection was due to be filed no later than May 8, 2019, and no response was filed.

For these reasons,

IT IS ORDERED that the Motion (Docket # 13059) is denied.

Signed on May 17, 2019



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge